

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE  
CONFERENCE OF THE NAACP, et al.,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD  
OF ELECTIONS, et al.,

Defendants.

1:16CV1274

**ORDER**

The Court HEREBY ORDERS AND MAKES THE FOLLOWING  
DETERMINATIONS:

1. The Court hereby enters final judgment in this case subject to and in accordance with (1) the terms of the settlement agreement between Plaintiffs and Defendants; (2) the August 7, 2018 Order granting partial summary judgment against Defendants as to Counts I and II of the Complaint, entering a permanent injunction, and ordering that the Executive Director of the Bipartisan State Board of Elections and Ethics Enforcement, her successor, or replacements take all reasonable and necessary steps to ensure statewide compliance with the National Voter Registration Act (“NVRA”) consistent with the Order, (ECF No. 114); and (3) this Order Granting Final Judgment.

2. Plaintiffs’ Complaint, (ECF No. 1), filed 10/31/2016, asserts four Counts: (1) violation of the NVRA, 52 U.S.C. §20507(d); (2) violation of the NVRA, 52 U.S.C. §20507(c)(2)(A); (3) violation of the Voting Rights Act, 52 U.S.C. §10301; and (4) violation of the Equal Protection Clause and 42 U.S.C. §1983.

3. The parties agreed that if the Plaintiffs fully prevailed on their early motion for partial summary judgment on their NVRA claims (Counts I and II of the Complaint), Plaintiffs would dismiss their remaining claims (subject to their right to resurrect those claims in the event of a reversal on appeal), thus resolving the case in its entirety. ECF No. 83 at 2. Plaintiffs prevailed on their early motion for partial summary judgment on Counts I and II of the Complaint. The parties now seek to enter final judgment on those claims and dismiss with prejudice the remaining claims and cross-claims in the case.

4. As set forth in the Court's August 7, 2018 Order, final judgment is hereby entered in favor of Plaintiffs as to Counts I and II of the Complaint.

5. The remaining Counts of the Complaint, Counts III and IV, are dismissed with prejudice. The Court also dismisses with prejudice the Cross-Claim filed by Defendant Cumberland County Board of Elections and its members and director in their official capacities, (ECF No. 78), filed 10/10/2017. The Court also vacates all pending deadlines in this matter.

6. Each party shall bear its own attorneys' fees and costs, except as provided in the settlement agreement. Under the settlement agreement, Defendant the North Carolina State Board of Elections shall pay Plaintiffs' counsel a total amount of \$619,000.00 in attorneys' fees, costs, and litigation expenses, pursuant to the reasonable agreement of the parties.

7. The consideration and payment set forth in the referenced settlement agreement constitutes the only consideration, fees, and expenses that Defendants shall be obligated to provide or otherwise fund or pay in connection with the settlement.

8. Nothing in this Order shall preclude an action to enforce the parties' rights and obligations under the settlement and the Court's related orders.

9. Without affecting the finality of this Order Granting Final Judgment, the Court hereby retains continuing jurisdiction over the subject matter of the Action and the parties to effectuate and ensure compliance with the Settlement Agreement, this Order, and the August 7, 2018 Order granting partial summary judgment against Defendants as to Counts I and II of the Complaint.

This, the 20<sup>th</sup> day of December 2019.

/s/ Loretta C. Biggs

United States District Judge